

The Board of Supervisors

County Administration Building
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Martinez, California 94553-1293

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Phil Batchelor
Clerk of the Board
and
County Administrator
(925) 335-1900

September 21, 1999

Mr. Lester Snow, Executive Director
CALFED Bay-Delta Program
1416 Ninth Street, Suite 1155
Sacramento, CA 95814

Re: Comments on the Draft EIR/S for the CALFED Bay-Delta Program

Dear Mr. Snow:

The Contra Costa County Board of Supervisors supports the efforts of the CALFED Bay-Delta Program to identify and implement comprehensive solutions to the various problems associated with the Bay-Delta system, and believes that the plan contained in the revised Draft EIR/S is properly ambitious and contains elements which are of significant value. However, we continue to urge that the CALFED program not propose drastic and probably damaging changes to the delivery of water through the Delta and only make changes to other aspects of the Delta system that are important to its long term health. The Board of Supervisors urges the CALFED program to focus on maintaining the common Delta pool, on increasing fresh water flows to and through the Delta, on comprehensively addressing the causes of Delta pollution, on restoring the fisheries of our region, and on improving the educational and recreational opportunities available to study and enjoy this important state-wide resource.

- **The Preferred alternative should not include an isolated transfer facility (of any length):** Modifying Delta channels to improve the flow of water through the Delta will improve water quality both in the Delta and at the state and federal pumps. We see no justification for constructing an isolated canal to move the state and federal water project diversion points out of the Delta, and assert that any solution which endorses such a concept will only aggravate the very problems it purports to solve. Likewise, even the short isolated facility described in CALFED documents presents a significant policy risk since, by all appearances, such "pilot" facilities would be a first step toward a larger project. Maintaining the Delta as a common pool for agricultural, environmental, and urban uses ensures a balanced distribution of resources which is far more binding and dependable than any agreement which calls for an isolated transfer facility.

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Inclusion of an isolated conveyance facility in the review process at this time will overshadow Stage I efforts related to through-Delta conveyance. Because isolated transfer will be considered and designed before Stage I is complete, adequate time will not be given to implementation, scientific evaluation and the adaptive management process to allow through-Delta conveyance to work. The preferred alternative as it is expressed with this premature timeframe for isolated transfer will allow political will to push isolated transfer before the potential of other alternatives are fully realized.

- **Strengthen the Water Quality Program by establishing enforceable performance criteria:** As currently written, CALFED's Water Quality Program includes broad, commendable goals and plans for improving water quality in the Delta, but lacks concrete measures to make changes happen. In particular, the Water Quality Program needs a more specific plan for reducing the serious water quality problems caused by the discharge of agricultural drainage from the San Joaquin Valley to the Delta. The program should also rely more on improving regulatory enforcement and land retirement and less on more experimental treatment technologies. This component must be strengthened to assure that such goals, many of which are already stated within state regulations, will be achieved in the near future.

We do not believe that voluntary, cooperative, incentive-based efforts to improve water quality as elaborated upon in the report will effect meaningful changes to water quality in the Delta. Additional, appropriate water quality standards based on hard scientific data are necessary if we are to see significant change. For example, a better scientific basis is necessary for effective regulation of bioaccumulative elements to determine if concentration-based standards are appropriate and what those standards should be.

- **Define a specific financing strategy which fairly assigns costs based on benefits:** A specific financing plan will be needed before much of the program can be supported. This more detailed plan must ensure that storage and conveyance facilities are primarily funded by those parties which would most benefit from them, namely those areas which export water from the Delta.
- **Define a package of assurances which specifically states how facilities will be operated and how water quality, freshwater flows, and fisheries will be protected (among other things):** Creating an acceptable solution will require strong assurances to all parties that plans will be implemented as described. A crucial part of this will be assuring that new storage, pumping and conveyance facilities will be operated in a responsible manner and will protect water quality, flows, and fisheries. As another example, CALFED should also provide assurances that water entitlements purchased from farmers in the Delta will be used to maintain freshwater flows to the Delta and not used to increase exports to the south. In addition, assurances need to be provided which ensure that increased pumping capacity in the south Delta will not be misused. The assurances document will need to be exceptionally concise to accommodate the adaptive

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management program's conversely flexible approach.

- **Improve the Water Use Efficiency Program to ensure that existing water supplies are used as efficiently as possible before additional water supplies are developed:** Water use efficiency guidelines for agriculture must be enforceable to be consistent with the enforceable guidelines established for urban users.
- **Select a storage alternative which maximizes freshwater flows for fish and minimizes environmental impacts:** New storage is needed to provide for improved reliability, operational flexibility, emergency reserves, and increased opportunities for boosting freshwater flows through the Delta during critical periods. However, such storage should be as environmentally benign as possible. Storage plans should include conjunctive use of groundwater and should restrict any new diversions to periods of extremely high flows.
- **Refine the Ecosystem Restoration Plan to maintain ambitious restoration goals while minimizing and mitigating impacts to Delta agriculture and Delta Recreation.**
- **Levee System Program implementation will need to include resolution of institutional constraints related to permitting issues and funding considerations in order to use dredged materials in upland (levee) environments on any kind of meaningful scale.** Despite the urgent need for sediment in the Delta for levee rehabilitation, existing water quality regulations have been and continue to be problematic. Even when materials are clean (and in our case from a brackish, not saline environment), with no demonstrable water quality impacts resulting from past projects, obtaining permits and reasonable monitoring requirements to accomplish beneficial reuse continues to be difficult at best. Further, levee demonstration projects for dredged material disposal on levees has already been accomplished, and therefore, Stage I demonstration projects for this purpose would be redundant. Upland disposal is the most expensive disposal method, in general costing at least three times as much as conventional methods. If beneficial reuse of dredged materials is to become a priority, funding must become an early consideration.
- **Identify means for improving public recreation and public education opportunities in the Delta.**
- **In general, the staged approach to implementation makes sense; however, it is likely that the great variety of tasks proposed in Stage I will take much longer than seven years to accomplish.** Although it is important to expedite these tasks, it is also incumbent upon the CALFED group to insure that accurate, complete work has been done and that scientific basis exists to insure proper, appropriate decisions in subsequent stages.
- **The concept of adaptive management is a good one, as flexibility in operations of the Delta is critical; however, the flexibility that adaptive management would allow raises questions**

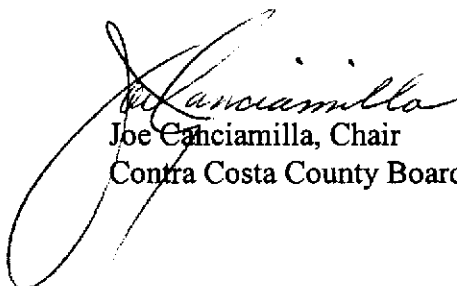
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on how adequate oversight can be accomplished on such a broad scale, and how solid scientific basis can be achieved. It would seem that the flexibility provided by this concept could backfire if not implemented in a thorough manner with appropriate oversight and careful documentation.

Thank you in advance for your thorough consideration of these recommendations. We believe it is vitally important that CALFED succeed in its difficult mission to solve the long-standing problems with the Bay-Delta system, and we hope that the substantial progress you have made to date can continue through to a conclusion even more improved and one in which we can all be satisfied.

Please feel free to contact John Kopchik in our Community Development Department at (925) 335-1290 if you should have any questions on this or other correspondence from the County.

Sincerely,



Joe Encinilla, Chair
Contra Costa County Board of Supervisors